

EXHIBIT J

1 DONALD J. QUERIO (State Bar No. 54367)
djq@severson.com
2 MARK D. LONERGAN (State Bar No. 143622)
mdl@severson.com
3 PETER H. BALES (State Bar No. 251345)
phb@severson.com
4 SEVERSON & WERSON
A Professional Corporation
5 One Embarcadero Center, Suite 2600
San Francisco, CA 94111
6 Telephone: (415) 398-3344
Facsimile: (415) 956-0439
7
8 Attorneys for Defendant
WELLS FARGO FINANCIAL
ACCEPTANCE MISSOURI, INC
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 RICHARD HOWARD,

Case No.: CO7-05881 EDL

14 Plaintiff,

**WELLS FARGO'S SUPPLEMENTAL
RESPONSE TO RICHARD
HOWARD'S FIRST SET
OF REQUESTS FOR ADMISSION**

15 vs.
16 WELLS FARGO FINANCIAL
ACCEPTANCE, WELLS FARGO AUTO
FINANCE, INC., WELLS FARGO
FINANCIAL CAR, LLC, and DOES 1-50,
17

Defendants.

Complaint Date: November 20, 2007

20 PROPOUNDING PARTY: Plaintiff RICHARD HOWARD
21

22 RESPONDING PARTY: Defendant WELLS FARGO FINANCIAL ACCEPTANCE
MISSOURI, INC.

23 SET NUMBER: ONE

24 Pursuant to Federal Rules of Civil Procedure, Wells Fargo Financial Acceptance Missouri,
25 Incorporated ("Wells Fargo") responds to plaintiff Richard Howard's first set of requests for
26 admission as follows:
27

28

EXHIBIT "J"

1 REQUEST NO. 1:

2 ADMIT that Plaintiff has never been personally liable for Wells Fargo Financial
3 Acceptance, Inc. account number 5382580.

4 RESPONSE TO REQUEST NO. 1:

5 Wells Fargo admits the allegations contained in this request.

6 REQUEST NO. 2:

7 ADMIT that Plaintiff has never been personally liable for Wells Fargo Financial
8 Acceptance, Inc. account number 50237593.

9 RESPONSE TO REQUEST NO. 2:

10 Wells Fargo admits the allegations contained in this request.

11 REQUEST NO. 3:

12 ADMIT that you made a mistake in 2007 when you verified to Trans Union that Plaintiff
13 was personally liable to you on any account.

14 RESPONSE TO REQUEST NO. 3:

15 Wells Fargo objects to this request to the extent it seeks information that is neither
16 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
17 further objects to this request as overbroad, vague and ambiguous as to the term "personally
18 liable." Subject to these objections, Wells Fargo denies that it verified the account.

19 REQUEST NO. 4:

20 ADMIT that you did not make a mistake in 2007 when you verified to Trans Union that
21 Plaintiff was personally liable to you on an account.

22 RESPONSE TO REQUEST NO. 4:

23 Wells Fargo objects to this request to the extent it seeks information that is neither
24 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
25 further objects to this request as overbroad, vague and ambiguous as to the term "personally
26 liable." Subject to these objections, Wells Fargo denies that it verified the account.

27

28

1 REQUEST NO. 5:

2 ADMIT that you intended your actions in 2006 and 2007 when you reported to Trans
3 Union that Plaintiff was personally liable to you on an account.

4 RESPONSE TO REQUEST NO. 5:

5 Wells Fargo objects to this request to the extent it seeks information that is neither
6 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
7 further objects to this request as overbroad, vague and ambiguous as to the term "you intended
8 your actions."

9 REQUEST NO. 6:

10 ADMIT that you did not intend your actions in 2006 and 2007 when you reported to Trans
11 Union that Plaintiff was personally liable to you on an account.

12 RESPONSE TO REQUEST NO. 6:

13 Wells Fargo objects to this request to the extent it seeks information that is neither
14 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
15 further objects to this request as overbroad, vague and ambiguous as to the term "you did not
16 intend your actions."

17 REQUEST NO. 7:

18 ADMIT that the investigation you performed in 2007 regarding Plaintiff was
19 accomplished as you intended.

20 RESPONSE TO REQUEST NO. 7:

21 Wells Fargo objects to this request to the extent it seeks information that is neither
22 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
23 further objects to this request as overbroad, vague and ambiguous as to the term "as you
24 intended."

25 REQUEST NO. 8:

26 ADMIT that the investigation you performed in 2007 regarding Plaintiff was not
27 accomplished as you intended.

28

1 RESPONSE TO REQUEST NO. 8:

2 Wells Fargo objects on the grounds that this request is vague and ambiguous. Wells
3 Fargo further objects to this request as overbroad, vague and ambiguous as to the term "as you
4 intended."

5 REQUEST NO. 9:

6 ADMIT that the investigation you performed in 2007 regarding Plaintiff was
7 accomplished in accordance with your standard or official investigation procedures and policies.

8 RESPONSE TO REQUEST NO. 9:

9 Wells Fargo objects to this request to the extent it seeks information that is neither
10 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
11 further objects to this request as overbroad, vague and ambiguous as to the term "standard or
12 official investigation procedures in policies." Subject to and without waiving these objections,
13 Wells Fargo currently lacks sufficient information to admit or deny this request.

14 REQUEST NO. 10:

15 ADMIT that the investigation you performed in 2007 regarding Plaintiff was not
16 accomplished in accordance with your standard or official investigation procedures and policies.

17 RESPONSE TO REQUEST NO. 10:

18 Wells Fargo objects to this request to the extent it seeks information that is neither
19 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo
20 further objects to this request as overbroad, vague and ambiguous as to the term "standard or
21 official investigation procedures in policies." Subject to and without waiving these objections,
22 Wells Fargo currently lacks sufficient information to admit or deny this request.

23 REQUEST NO. 11:

24 ADMIT that the investigation procedures and policies for compliance with the FCRA
25 which you had in place in 2007 did not permit your investigating employees to examine original
26 documents during or for such investigation.

27

28

1 RESPONSE TO REQUEST NO. 11:

2 Wells Fargo objects to this request to the extent it seeks information that is neither
3 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to
4 these objections, Wells Fargo denies the allegations contained in this request.

5 REQUEST NO. 12:

6 ADMIT that the investigation procedures and policies for compliance with the FCRA
7 which you had in place in 2007 did not require your investigating employees to examine original
8 documents during or for such investigation.

9 RESPONSE TO REQUEST NO. 12:

10 Wells Fargo objects to this request to the extent it seeks information that is neither
11 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to
12 these objections, Wells Fargo admits the allegations in this request.

13 REQUEST NO. 13:

14 ADMIT that your Net Worth is in excess of \$1 Billion.

15 RESPONSE TO REQUEST NO. 13:

16 Wells Fargo objects to this request on the grounds that it seeks confidential documents.
17 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor
18 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further
19 objects to this request as overbroad, vague and ambiguous.

20 REQUEST NO. 14:

21 ADMIT that your Net Worth is in excess of \$500 Million.

22 RESPONSE TO REQUEST NO. 14:

23 Wells Fargo objects to this request on the grounds that it seeks confidential documents.
24 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor
25 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further
26 objects to this request as overbroad, vague and ambiguous.

27 REQUEST NO. 15:

28 ADMIT that your Net Worth is in excess of \$200 Million..

1 RESPONSE TO REQUEST NO. 15

2 Wells Fargo objects to this request on the grounds that it seeks confidential documents.
3 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor
4 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further
5 objects to this request as overbroad, vague and ambiguous.

6 REQUEST NO. 16:

7 YOU are a “furnisher of information” as that term is described in the Fair Credit
8 Reporting Act (“FCRA”), 15 U.S.C. § 1681-s2.

9 RESPONSE TO REQUEST NO. 16:

10 Wells Fargo admits the allegations contained in this request.

11 REQUEST NO. 17:

12 YOU are a “person” as that term is defined in the Fair Credit Reporting Act (“FCRA”), 15
13 U.S.C. § 1681a.

14 RESPONSE TO REQUEST NO. 17:

15 Wells Fargo denies the allegations contained in this request.

16 REQUEST NO. 18:

17 YOU published an account to Trans Union, L.L.C. (“Trans Union”), Experian Information
18 Solutions, Inc. (“Experian”) and Equifax Credit Information Solutions (“Equifax”) within the two
19 year period prior to the filing of this action.

20 RESPONSE TO REQUEST NO. 18:

21 Wells Fargo objects to the term “published” as vague and ambiguous within the context of
22 this litigation and on the grounds that this request is vague and ambiguous.

23 REQUEST NO. 19:

24 YOU published an account as belonging to the plaintiff.

25 RESPONSE TO REQUEST NO. 19:

26 Wells Fargo objects to the term “published” as vague and ambiguous within the context of
27 this litigation and on the grounds that this request is vague and ambiguous. Wells Fargo objects

1 on the grounds that the term "an account" is vague and ambiguous because there is more than one
 2 account involved in this action and the action that preceded it

3 REQUEST NO. 20:

4 The information that YOU published about an account belonging to plaintiff was adverse
 5 credit information that negatively reflects upon plaintiff's credit history.

6 RESPONSE TO REQUEST NO. 20:

7 Wells Fargo objects to the term "published" as vague and ambiguous within the context of
 8 this litigation and on the grounds that this request is vague and ambiguous.

9 REQUEST NO. 21:

10 YOU reported that plaintiff was in default on an account at one or more times.

11 RESPONSE TO REQUEST NO. 21:

12 Wells Fargo objects on the grounds that the term "an account" is vague and ambiguous
 13 because there is more than one account involved in this action and the action that preceded it.

14 Subject to these objections, Wells Fargo admits the allegations in this request.

15 REQUEST NO. 22:

16 YOU reported that plaintiff was delinquent on an account at one or more times.

17 RESPONSE TO REQUEST NO. 22:

18 Wells Fargo objects on the grounds that the term "an account" is vague and ambiguous
 19 because there is more than one account involved in this action and the action that preceded it.

20 Subject to these objections, Wells Fargo admits the allegations in this request.

21 REQUEST NO. 23:

22 YOU were notified by Trans Union that plaintiff had disputed the information about an
 23 account in 2007.

24 RESPONSE TO REQUEST NO. 23:

25 Wells Fargo objects on the grounds that the term "an account" is vague and ambiguous
 26 because there is more than one account involved in this action and the action that preceded it.

27 Subject to these objections, Wells Fargo admits that it was contacted by Trans Union regarding
 28 account number ****7593.

1 REQUEST NO. 24:

2 YOU received one or more CDV form(s) from Trans Union regarding the plaintiff and an
3 account in 2007.

4 RESPONSE TO REQUEST NO. 24:

5 Wells Fargo objects on the grounds that the term "an account" is vague and ambiguous
6 because there is more than one account involved in this action and the action that preceded it.
7 Subject to these objections, Wells Fargo admits that it received a CDV form from Trans Union
8 regarding account number ****7593.

9 REQUEST NO. 25:

10 In response to the CDV forms that YOU received from Trans Union in 2007, YOU
11 conducted an investigation of plaintiff's dispute within thirty (30) days of YOUR receipt of the
12 CDV form(s).

13 RESPONSE TO REQUEST NO. 25:

14 Wells Fargo admits the allegations in this request.

15 REQUEST NO. 26:

16 YOUR employees who participated in investigating plaintiff's 2007 dispute and
17 completing CDV forms verified the information about an account.

18 RESPONSE TO REQUEST NO. 26:

19 Wells Fargo objects on the grounds that the term "an account" is vague and ambiguous
20 because there is more than one account involved in this action and the action that preceded it.
21 Subject to these objections, Wells Fargo denies that it verified the account.

22 REQUEST NO. 27:

23 YOUR employees sent Trans Union CDV forms that indicated that YOU had conducted
24 an investigation and verified the information about an account as accurate in 2007.

25 RESPONSE TO REQUEST NO. 27:

26 Wells Fargo objects on the grounds that the term "an account" is vague and ambiguous
27 because there is more than one account involved in this action and the action that preceded it.
28 Subject to these objections, Wells Fargo denies that it verified the account.

1 REQUEST NO. 28:

2 YOUR employees never telephoned the plaintiff to verify or question the accuracy of
3 plaintiff's 2007 dispute.

4 RESPONSE TO REQUEST NO. 28:

5 Wells Fargo objects to the term "dispute" as vague and ambiguous within the context of
6 this litigation and on the grounds that this request is vague and ambiguous. Subject to these
7 objections, Wells Fargo currently lacks sufficient knowledge to admit or deny this request.

8 REQUEST NO. 29:

9 YOUR employees who participated in investigating plaintiff's 2007 dispute never sent
10 any written correspondence to any credit reporting agency other than a CDV form to verify the
11 accuracy of the information that it had reported about an account.

12 RESPONSE TO REQUEST NO. 29:

13 Wells Fargo objects on the grounds that the term "an account" is vague and ambiguous
14 because there is more than one account involved in this action and the action that preceded it.
15 Subject to these objections, Wells Fargo currently lacks sufficient knowledge to admit or deny
16 this request.

17 REQUEST NO. 30:

18 YOUR employees who participated in investigating plaintiff's 2007 dispute never sent
19 any written correspondence to any other person or party other than a credit reporting agency to
20 verify the accuracy of the information that defendant had reported about an account.

21 RESPONSE TO REQUEST NO. 30:

22 Wells Fargo objects on the grounds that the term "an account" is vague and ambiguous
23 because there is more than one account involved in this action and the action that preceded it.
24 Subject to these objections, Wells Fargo currently lacks sufficient knowledge to admit or deny
25 this request.

26

27

28

1 REQUEST NO. 31:

2 As part of their job duties, the employees who participated in investigating plaintiff's
3 2007 dispute were required to perform a certain number of investigations within a specified time
4 period as established by YOU

5 RESPONSE TO REQUEST NO. 31:

6 Wells Fargo objects to the term "investigations" as vague and ambiguous within the
7 context of this litigation and on the grounds that this request is vague and ambiguous. Subject to
8 these objections, Wells Fargo denies the allegations in this request.

9 REQUEST NO. 32:

10 As part of their job duties, the employees who participated in investigating plaintiff's 2007
11 dispute were required to perform a certain number of investigations of consumer disputes per
12 hour as established by YOU.

13 RESPONSE TO REQUEST NO. 32:

14 Wells Fargo objects to the term "investigations" as vague and ambiguous within the
15 context of this litigation and on the grounds that this request is vague and ambiguous. Subject to
16 these objections, Wells Fargo denies the allegations in this request.

17 REQUEST NO. 33:

18 YOU have written procedures regarding the investigation of consumer credit report
19 disputes.

20 RESPONSE TO REQUEST NO. 33:

21 Wells Fargo objects to the term "written procedures" as vague and ambiguous within the
22 context of this litigation and on the grounds that this request is vague and ambiguous. Subject to
23 these objections, Wells Fargo admits the allegations in this request.

24 REQUEST NO. 34:

25 YOU have written procedures to assure the compliance with and avoid violation of 15
26 U.S.C. § 1681-s2.

27

28

1 RESPONSE TO REQUEST NO. 34:

2 Wells Fargo objects to the term "written procedures" as vague and ambiguous within the
3 context of this litigation and on the grounds that this request is vague and ambiguous. Subject to
4 these objections, Wells Fargo admits the allegations in this request.

5 REQUEST NO. 35:

6 YOU did not remove an account from plaintiff's credit file within thirty days (30) after
7 being notified by Trans Union that plaintiff disputed information being reported about the account
8 in 2007.

9 RESPONSE TO REQUEST NO. 35:

10 Wells Fargo admits this request.

11 REQUEST NO. 36:

12 At no time during the course of YOUR 2007 investigation in this matter did any of YOUR
13 employees ever request that plaintiff provide documents corroborating plaintiff's disputes.

14 RESPONSE TO REQUEST NO. 36:

15 Wells Fargo objects to the term "documents" as vague and ambiguous within the context
16 of this litigation and on the grounds that this request is vague and ambiguous. Subject to these
17 objections, Wells Fargo currently lacks sufficient knowledge to admit or deny this request.

18 REQUEST NO. 37:

19 At no point during the course of any of its 2007 investigation did any of YOUR
20 employees examine any records of an account.

21 RESPONSE TO REQUEST NO. 37:

22 Wells Fargo denies the allegations in this request.

23 REQUEST NO. 38:

24 The reason why the account number 50237593 was on plaintiff's credit report was that it
25 had a different account number due to a computer system conversion.

26 RESPONSE TO REQUEST NO. 38:

27 Wells Fargo admits the allegation in this request.

28

1 REQUEST NO. 39:

2 The reason why the account number 50237593 was on plaintiff's credit report was a result
3 of a computer glitch.

4 RESPONSE TO REQUEST NO. 39:

5 Wells Fargo objects on the grounds that the term "computer glitch" is vague and
6 ambiguous. Subject to and without waiving this objection, Wells Fargo admits the allegations in
7 this request.

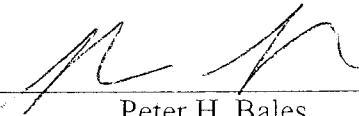
8

9 DATED: May 27, 2008

SEVERSON & WERSON
A Professional Corporation

10

11

By: 
Peter H. Bales

12

13

14

Attorneys for Defendant
WELLS FARGO FINANCIAL ACCEPTANCE
MISSOURI, INC.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of San Francisco, California; my business address is Severson & Werson, One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

On the date below I served a copy, with all exhibits, of the following document(s):

**WELLS FARGO'S SUPPLEMENTAL RESPONSE TO RICHARD HOWARD'S
FIRST SET OF REQUESTS FOR ADMISSION**

on all interested parties in said case addressed as follows:

LAW OFFICE OF RON BOCHNER *Attorney for Plaintiff*
 Ron K. Bochner
 3333 Bowers Avenue, Suite 130
 Santa Clara, CA 95054
 Phone: (408) 200-9890
 Fax (510) 740-3699
Email: robolaw@justice.com

(BY MAIL) By placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in San Francisco, California in sealed envelopes with postage fully prepaid.

(BY HAND) By placing the documents in an envelope or package addressed to the persons listed above and providing them to a professional messenger service for delivery.

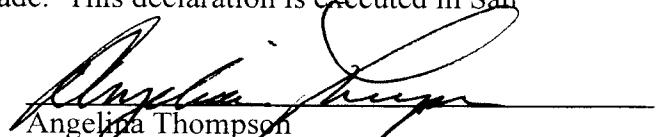
(BY FEDERAL EXPRESS) By depositing copies of the above documents in a box or other facility regularly maintained by Federal Express with delivery fees paid or provided for.

(BY EXPRESS MAIL) By placing the above documents in the United States mail for Express Mail delivery at One Embarcadero Center, Suite 2600, San Francisco, CA 94111, in a sealed envelope addressed as above, with Express Mail postage thereon fully prepaid.

(BY FAX) By use of facsimile machine telephone number (415) 956-0439, I faxed a true copy to the addressee(s) listed above at the facsimile number(s) noted after the party's address. The transmission was reported as complete and without error.

(BY ELECTRONIC SERVICE) Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's EMC/ECF system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in San Francisco, California, on May 28, 2008.



Angelina Thompson